

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Nan R. Nolan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 5711	DATE	7/18/2012
CASE TITLE	Kleen Products LLC vs. Packaging Corporation of America, et al.		

DOCKET ENTRY TEXT

As more fully set forth below and in the transcript, status hearing held on 7/13/2012 and continued to a telephone status on 7/25/2012 at 10:30 a.m.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

The parties and the Court discussed the open discovery issues, including search methodology, temporal scope, custodians, indexing of ESI documents, requests for production, and sources of data. While significant progress has been made on many of these topics, the parties agreed that motions to compel are now needed to resolve the remaining issues. Accordingly, the following briefing schedules are ordered:

1. Temporal Scope—Plaintiffs will file their motion on **7/27/2012**; Defendants' responses are due by **8/10/2012**; Plaintiffs' replies are due **8/24/2012**.
2. Custodians—Plaintiffs will make a request for additional custodians to individual Defendants by **7/27/2012**; Defendants will respond to the requests by **8/3/2012**. Plaintiffs shall file any motions to compel additional custodians by **8/10/2012**; Defendants' responses are due **8/17/2012**. No replies shall be filed.
3. Data Sources—Plaintiffs will file their motions by **7/27/2012**; Defendants' responses are due **8/10/2012**. If they find it appropriate, Defendants may consolidate their responses to the Data Sources motions with their responses to the Temporal Scope motion. Before any replies are filed in support of the Data Sources motions, a Rule 16 conference will be held on **8/29/2012** at 1:00 p.m. to discuss the evidence provided by Defendants in support of their contentions that certain data is not readily accessible.
4. Requests for Production ("RFP") and Indexing—The Court has determined that the most efficient use of the Court's and the parties' time is to address the RFP issue in stages. During the first stage, Defendant International Paper ("IP") shall revise its responses to the RFP to incorporate the information in the chart that it has previously prepared which describes the searches it made to respond to the individual RFPs. IP shall endeavor to serve its revised RFP responses by **7/23/2012**. Thereafter, Plaintiffs and IP shall promptly meet and confer regarding any responses that Plaintiffs still believe are deficient. After the meet and confer process is completed, Plaintiffs may file a motion to compel against IP regarding any unresolved RFP responses, along with any indexing issues it has with IP's production. IP's response to the RFP/Indexing

STATEMENT

Motion will be two weeks after the motion is filed, and Plaintiffs' reply will be due two weeks thereafter.

Stage Two will begin after the Court has ruled on the IP RFP/Indexing Motion. If the approach used by IP and Plaintiffs proves productive, the parties shall discuss how best to incorporate this method with the other Defendants. If the IP approach proves unsuccessful, the Court will set a briefing schedule on the RFP/Indexing issue.

5. Search Methodology—The parties and the Court had a lengthy discussion about the search methodology used in this case. At the 7/25/2012 telephone status, Plaintiffs shall advise whether they wish to continue the evidentiary hearing or if they need to brief the issue.

For further details, a transcript will be available. On other issues not set for briefing, the parties are urged to continue to work cooperatively toward resolutions and to advise if the Court's assistance is desired.

In filing any of the briefs described above, the parties shall support their positions with law, facts, and evidence, which can be attached as exhibits if appropriate. The parties need not attach copies of "unpublished" cases, so long as they are available on Westlaw or Lexis.